

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02139-TNM**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S.
DEPARTMENT OF STATE et al
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 09/16/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY**

represented by **Lyn Arnold**
CENTER FOR BIOLOGICAL
DIVERSITY
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PRO HAC VICE

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ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF STATE

represented by **Patricia K. McBride**
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DISTRICT OF COLUMBIA
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL AVIATION
ADMINISTRATION**

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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09/16/2018	<u>1</u>	COMPLAINT <i>Center Biological Diversity as Plaintiff</i> against CENTER FOR BIOLOGICAL DIVERSITY <i>Against Federal Agency Defendants U.S. Department of State, FAA, EPA</i> (Filing fee \$ 400 receipt number 0090-5690167) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Summons AG, # <u>2</u> Summons USAtty, # <u>3</u> Summons State, # <u>4</u> Summons FAA, # <u>5</u> Summons EPA, # <u>6</u> Declaration Rule 7, # <u>7</u> Civil Cover Sheet)(Snape, William) (Entered: 09/16/2018)
09/16/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY (zsb) (Entered: 09/17/2018)
09/17/2018		Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 09/17/2018)
09/17/2018	<u>3</u>	ENTERED IN ERROR.....SUMMONS (5) Issued Electronically as to FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) Modified on 10/1/2018 (znmw). (Entered: 09/17/2018)
09/17/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Lyn Arnold, :Firm- Sole Practitioner, :Address- 3801 Connecticut Ave NW #146 Washington, DC 20008 LynArnoldJD@gmail.com. Phone No. - 206-940-6420. Fax No. - n/a Filing fee \$ 100, receipt number 0090-5692283. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY (Attachments: # <u>1</u> Declaration Ms. Lyn Arnold)(Snape, William) (Entered: 09/17/2018)
09/17/2018	<u>5</u>	STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 9/17/2018. (lctnm3) (Entered: 09/17/2018)
09/17/2018		MINUTE ORDER granting the <u>4</u> Motion for Leave to Appear Pro Hac Vice of Attorney Lyn Arnold. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 9/17/2018. (lctnm3) (Entered: 09/17/2018)
09/19/2018	<u>6</u>	SUMMONS (1) Issued Electronically as to U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 09/19/2018)
10/01/2018	<u>7</u>	SUMMONS (5) Issued Electronically as to FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(znmw) (Entered: 10/01/2018)
10/01/2018		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>3</u> Summons Issued Electronically was entered in error and summonses were reissued with court seal and Deputy Clerk's signature as Docket Entry <u>7</u> . (znmw) (Entered: 10/01/2018)
10/22/2018	<u>8</u>	Unopposed MOTION for Extension of Time to File Answer by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 10/22/2018)
10/22/2018		MINUTE ORDER: Upon consideration of the Defendants' <u>8</u> Unopposed Motion for Enlargement of Time, it is hereby ORDERED that the Defendants shall file an Answer or otherwise respond to the Complaint by November 26, 2018. The parties are directed to comply with the Court's <u>5</u> Standing Order, including the provisions governing deadlines for submitting motions for extensions of time. Signed by Judge Trevor N. McFadden on 10/22/2018. (lctnm3) (Entered: 10/22/2018)
10/23/2018		Set/Reset Deadlines: Defendants' answer or response to the Complaint due by 11/26/2018. (hmc) (Entered: 10/23/2018)
11/26/2018	<u>9</u>	MOTION for Extension of Time to File Answer by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 11/26/2018)

11/27/2018		MINUTE ORDER granting <u>2</u> Motion for Extension of Time to Answer All Defendants. Upon considering Defendants' <u>2</u> Motion for Extension of Time, it is hereby ordered that Defendants shall file an answer no later than December 4, 2018. The Court again directs counsels' attention to its Standing Order. Future failures to comply may result in denial of the requested relief and/or sanctions. Signed by Judge Trevor McFadden on 11/27/2018 (lctnm2) (Entered: 11/27/2018)
11/27/2018		Set/Reset Deadlines: Defendants' answer due by 12/4/2018. (hmc) (Entered: 11/27/2018)
12/04/2018	<u>10</u>	ANSWER to Complaint by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY.(McBride, Patricia) (Entered: 12/04/2018)
12/07/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the report on or before January 4, 2019. Signed by Judge Trevor N. McFadden on 12/7/2018. (lctnm3) (Entered: 12/07/2018)
12/07/2018		Set/Reset Deadlines: Joint Status Report due by 1/4/2019. (hmc) (Entered: 12/07/2018)
12/10/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General September 24, 2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/24/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/24/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL AVIATION ADMINISTRATION served on 10/16/2018; U.S. DEPARTMENT OF STATE served on 11/29/2018; U.S. ENVIRONMENTAL PROTECTION AGENCY served on 10/5/2018 (Snape, William) (Entered: 12/10/2018)
12/26/2018	<u>12</u>	Unopposed MOTION for Extension of Time to by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 12/26/2018)
01/07/2019		MINUTE ORDER: Upon considering the Defendants' <u>12</u> Motion, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendants will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/7/2019. (lctnm3) Modified on 1/7/2019 to add law clerk number (hmc). (Entered: 01/07/2019)
01/07/2019		Case Stayed. (hmc) (Entered: 01/07/2019)
01/31/2019	<u>13</u>	NOTICE by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(McBride, Patricia) (Entered: 01/31/2019)
02/01/2019		MINUTE ORDER: Upon consideration of the Defendants' <u>13</u> Notice, the Court hereby lifts the stay in this case. The parties are ORDERED to file a status report on or before February 7, 2019. This report shall propose a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/1/2019. (lctnm3) (Entered: 02/01/2019)

02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/7/2019. (hmc) (Entered: 02/01/2019)
02/07/2019	<u>14</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY. (McBride, Patricia) (Entered: 02/07/2019)
02/08/2019		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the Defendants shall make records productions according to the following schedule. The EPA shall make monthly productions on or around the 6th of each month. The next production shall be made on or before March 6, 2019. The Department of State shall make monthly productions starting on March 29, 2019. It is further ORDERED that the parties shall file a Joint Status Report on or before April 17, 2019. This report shall provide a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 2/8/2019. (lctnm3) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: EPA's monthly production due by 3/6/2019, and on or around the 6th of each month. Department of State's monthly production due by 3/29/2019. Joint Status Report due by 4/17/2019. (hmc) (Entered: 02/08/2019)
04/17/2019	<u>15</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY. (McBride, Patricia) (Entered: 04/17/2019)
04/18/2019		MINUTE ORDER: Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that a further report shall be filed on or before June 17, 2019. This report shall update the Court on the status of ongoing productions. It is further ORDERED that the parties shall file a monthly Joint Status Report thereafter until the production of all responsive records by the Defendants has been completed. The final Joint Status Report shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 4/18/2019. (lctnm3) (Entered: 04/18/2019)
04/18/2019		Set/Reset Deadlines: Joint Status Report due by 6/17/2019, and every month thereafter until production is complete. (tg) (Entered: 04/18/2019)
06/17/2019	<u>16</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY. (McBride, Patricia) (Entered: 06/17/2019)
06/18/2019		MINUTE ORDER: Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Report on or before August 29, 2019, and every two months thereafter until production is complete. Signed by Judge Trevor N. McFadden on 6/18/2019. (lctnm3) (Entered: 06/18/2019)
06/18/2019		Set/Reset Deadlines: Joint Status Report due by 8/29/2019, and every two months thereafter. (hmc) (Entered: 06/18/2019)
08/29/2019	<u>17</u>	Joint STATUS REPORT by FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF STATE, U.S. ENVIRONMENTAL PROTECTION AGENCY. (McBride, Patricia) (Entered: 08/29/2019)
09/03/2019		MINUTE ORDER: Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the parties shall file a further Report on or before October 16, 2019. Signed by Judge Trevor N. McFadden on 9/3/2019. (lctnm3) (Entered: 09/03/2019)
09/03/2019		Set/Reset Deadlines: Joint Status Report due by 10/16/2019. (hmc) (Entered: 09/03/2019)